

## **Responses to Public Comments on Public Participation February 4, 2005**

### **Comment**

Center for Race, Poverty & the Environment

Priority 3: Improve Tools for Public Participation, Community Capacity Building, and Communication

We agree that youth should be an important component of community outreach efforts. Educational tools and access to information are important for all age groups.

We agree that materials should be available in appropriate languages, based on the community's need. One component of the plan will be to develop a translation and interpretation contract for Cal/EPA.

We support the concept of community-based meetings. Coupled with other outreach tools (such as fact sheets, individual meetings, briefings, on-line information, and public notices), meetings are an effective tool for involving the public.

### **Comments received during the Fall 2004 Workshops:**

#### **Oakland**

- There should be a distinction between government doing something for us versus us doing something for government  
Noted.
- We need to be conscious about the number of personnel to do everything we need to get done  
Noted.
- Can we collaborate with our resources?  
We agree that pooling resources can be effective. Every effort will be made to do this where possible.
- We need a community vision and pull it all together  
We agree.
- What is needed now is the identification of resources available  
Noted.
- What do you mean by community capacity building?  
The goal of community capacity building is to increase knowledge of environmental issues, as well as the community's ability to become involved with and have an effect on decision-making.

- The organizations that are left in Oakland – those are the ones that Cal/EPA needs to build capacity building  
Noted.
- We need more than apologies for damage that already has been done  
Noted.
- Put financial support in working together to reach the same goal  
The “Forum” concept proposed in DTSC’s pilot project would use the collective resources of local, state and federal agencies as well as local groups and members of the community. Those “resources” may be data, staff time, data collection, and expertise.
- All views need to be heard – whether they like us or not.  
We agree.
- If you are going to do a Brownfields project – are you going to look at the AG’s office to take legal action for clean up costs?  
This may be an issue that DTSC would consider on a case-by-case basis.
- Are you also going to look at multi-media?  
The Forum concept would bring in agencies that deal with all media.
- Local government is important for land use decisions, but not financial support We need AG’s input  
Noted.
- Business is also part of the community. We need to include the businesses  
We agree.
- It is important to know what capacity is  
See response above.
- How will the information obtained be used?  
The Forum pilot project would create a place where the community and all decision-makers can meet well before decisions are made. Information collected from this group can be used to make better decisions that reflect community need.
- When you clean up a Brownfield site who are you cleaning it up for?  
Brownfield sites are cleaned up to a level that fits with the intended land use. Clean-up levels are established based on what the property will be used for. All sites are cleaned up to a level where the risk is either eliminated or minimized to those who are on or adjacent to the property.
- Developers, residents, community – who benefits?  
See the above response.
- We need to develop economic guidelines so that the right results are achieved

Noted.

- What will be the impact to the seniors in the area of the pilot project?  
It is hoped that the Forum and the Illegal Drug Lab pilot projects benefit community members of all ages by providing a cleaner environment.
- If the results indicate toxics, does that mean the residents get kicked out of their homes?  
No. Efforts are made to ensure that those living on the property are safe during a cleanup, and that the cleanup itself provides for a safe environment. In some cases a cleanup may require that the resident temporarily leave the property for safety sake, but residents are then allowed to return once it is safe.
- How would Cal/EPA address the various questions that will be raised when you meet with the community and they ask – what are you going to do – my child is ill?  
Cal/EPA and DTSC will consider all public input received on the pilot projects. DTSC may not be the appropriate agency to answer or act on the question and may have to refer it to the appropriate agency.
- How can we get help and from who?  
We will need more specific information to answer this question.
- Developers are coming to West Oakland and not even looking into the impact to the community. How can this happen?  
This is a local issue and must be addressed by local government.
- We need a new process – the old one isn't working  
Noted.
- We have asthma, we have cancer, we have low incomes  
Noted.
- In terms of pilot projects – what kind of incentives are you looking into or have to get the responsible party involved? Any incentives?  
Responsible parties may play a role in the Forum pilot project, but it is unclear at this time.
- What will be the collaboration between DTSC and Regional Boards?  
The purpose of the pilot projects is to involve all the boards, departments and offices within Cal/EPA including the Regional Boards where necessary. In both pilot project proposals, assistance, advice or expertise may be requested.

### **Sacramento**

- Talk about influence on outcomes of decisions. Key criteria of people participating – add to definition “influence on decisions”  
The intent of the public participation policy statement is to improve decision-making by seeking meaningful public participation. One recommendation is to evaluate the performance of Cal/EPA's efforts to improve its public participation efforts. One

consideration may be to review how public comments were evaluated and where appropriate, incorporated into a decision.

- Inventory – missing, an assessment of the agency’s capacity to handle Public participation. DTSC is only BDO with division dedicated to public participation. Include in inventory structure of organization, what staff and mgt dedicated to PP specialists and knowledge, training and resources.  
This will be done.
- Looking for ideas on how to have meaningful public participation. Look beyond government for examples.  
This is an excellent idea.
- Consider that there may be less physical participation because we have the opportunity to use the web cast as an information source.  
We agree. One of the recommendations will be to improve electronic tools in the public participation effort, where applicable.
- Regarding meaningful Public Participation: we recommend this meeting as an example. Can be better scheduled at a time when the public can better participate, i.e. after 5 pm or on weekends.  
So noted.
- We also take issue that local government should be the model for meaningful public participation, when local government efforts are often inadequate.  
Noted.
- Use the California Native American Heritage Commission to get contact info for the appropriate tribes in areas doing the projects. Use their services for recognized and non-recognized tribes.  
This will be done.
- When you are outreaching to tribes, open your approach. Not all tribes feel they’ve been involved. Contact us for methods.  
This will be done.
- Advisory committee didn’t take the chance to educate community about BDO process.  
So noted.
- Influence and meaningful public participation. At each of the public hearings, there is input from many different stakeholders. Bottom line is that someone has to make a decision.  
So noted.
- Helpful for community to know why information was used or not used. Tell them why, or why not, their comment was used.  
This is an excellent concept and will be considered in developing guidelines.

- DOI (Interior) is proposing a rule that no one except a dam owner can appeal the decisions in a FERC license. Feds have an executive order on environmental justice. New regulation states explicitly that states and tribes can appeal. In terms of Public Participation, what happens when the Feds say people can't be involved, but the state says we must have meaningful efforts? Are the states and feds coordinating together? There should be coordination. It is the intent that these public participation guidelines be used by Cal/EPA and its BDOs.
- Communities don't participate because they don't believe we're taking real action, especially when they see the feds instituting rules that conflict with state direction. So noted. The purpose of the Action Plan is to move into an action phase where ideas are implemented in a real-world setting and where the community can benefit.
- What are the next steps for implementing those recommendations across all of the agencies?  
See the Action Plan schedule.
- Many communities are quite reluctant to engage in additional processes with governmental agencies for a variety of reasons. I would suggest that the BDOs think carefully about opportunities to take pilot projects to existing community venues, such as faith organizations, local meetings, etc. This could and should be done with the support of local community members, and would likely draw more attention as well as show a respect of community members' own precious time resources. This is an excellent idea and will be utilized in outreach efforts and considered as guidance is developed.